

### Arguments/Remarks

In the response dated June 17, 2009 the examiner indicated that the office action dated December 11, 2008 was vacated (see page 2, lines 1-2 of the Action). Since the December 11, 2008 office action was vacated, it necessarily follows that all of the rejections contained therein were also vacated.

In the present action, no rejections were cited against the present claims, though the examiner does provide a partial response to Applicants' rebuttal arguments filed in their previous response. The action was also made final.

Applicants respectfully submit that they are confused and are not sure if all/some/none of the previous rejections were maintained, and whether they were maintained in whole or in part? Urgent clarification is respectfully requested.

Further, the examiner is again reminded he/she has the obligation to consider all rebuttal arguments presented by Applicants, and to state why each and every one of said arguments is insufficient to overcome each of the rejections to which it pertains. MPEP 2145. *This is absolutely essential in order to frame the issues for Appeal.*

A Notice of Appeal is filed herewith in order to maintain the pendency of the present case pending clarification/resolution of the issues raised herein.

Respectfully submitted,



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